

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

VANESSA DECATUS, as Trustee for Vanessa  
Decatus Trust/Estate,

Plaintiff,

-against-

THE PEOPLE OF THE STATE OF NEW YORK,

Defendant.

23-CV-3643 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated May 4, 2023, the Court directed Plaintiff, within thirty days, to submit a completed request to proceed *in forma pauperis* (“IFP application”) or pay the \$402.00 in fees required to file a civil action in this court.<sup>1</sup> That order specified that failure to comply would result in dismissal of the complaint. Plaintiff has not filed an IFP application or paid the fees. Accordingly, the action is dismissed without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

---

<sup>1</sup> Plaintiff initiated this action as a miscellaneous matter and paid the \$49.00 fee to file a miscellaneous case in this court. By order dated May 1, 2023, the Honorable Valerie Caproni determined that this case could not proceed under the miscellaneous docket and directed the Clerk of Court to open the case as a new civil action. The new civil action was assigned to the Court’s docket. In its order directing Plaintiff to pay the \$402.00 in fees to file a civil action, or file an IFP application, the Court directed the Clerk of Court to return to Plaintiff the \$49.00 she paid to file a miscellaneous case. On May 12, 2023, a disbursement in the amount of \$49.00 was disbursed to pay Plaintiff.

The Court directs the Clerk of Court to enter judgment in this action.

SO ORDERED.

Dated: June 8, 2023  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge